

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED
July 25, 2011

No. 11-10157
Summary Calendar

Lyle W. Cayce
Clerk

REBECCA REID,

Plaintiff-Appellant,

versus

BETTY STILES,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:09-CR-109-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Rebecca Reid appeals the dismissal of her claim against Betty Stiles,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10157

former Johnson County Justice of the Peace, for a violation of the Eighth Amendment.¹ Stiles terminated Reid from her position as a court clerk, which Reid argues was cruel and usual punishment. Eighth Amendment violations, however, do not arise “until after [the State] has secured a formal adjudication of guilt in accordance with due process of law. Where the State seeks to impose punishment without such an adjudication, the pertinent constitutional guarantee is the Due Process Clause of the Fourteenth Amendment.” *Ingraham v. Wright*, 430 U.S. 651, 671 n.40 (1977). Because Stiles merely terminated Reid’s employment, the Eighth Amendment’s protections are inapplicable.

AFFIRMED.

¹ Reid asserted several other claims, including violations of the Fifth and Fourteenth Amendments, but she appeals only the dismissal of her Eighth Amendment claim.